IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7908 of 2000

Between:

Field Labour Cooperative Society, Vegeswarapuram,

Rep.by its Secretary S.Chinnavenkanna, s/o.Venkaiah,

R/o.Vegeswarapuram, East Godavari District.

..... PETITIONER

AND

1. District Panchayat Officer, West Godavari District, Eluru.

2. District Collector, West Godavari District, Eluru.

3. N.N.Satyanarayana, s/o. Sri Veeraiah, Occ: Business,

r/o. Tallapudi Village and Mandal, West Godavari Dist.

(R3 is impleaded as per Court order dt.21-12-2000 in

WPMP.No.13720 of 2000).

4. Sri Gautami Godavari Sand and Boat Workers

Scheduled Caste Labour Contract Cooperative

Society Limited, rep.by its President A. Ramulu,

S/o. Kondaiah, r/o.Rajahmundry, East Godavari Dist.

(R4 is impleaded as per the Court order dt.20-4-2001

in WPMP.No.7563 of 2001)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus directing the respondents to issue temporary permits to the petitioner society in patta lands in R.S.No.357 Ac.36-10 cents and R.S.No.302 Ac.15-91 cents of Vegeswarapuram land situated in Reach No.IV of Akhanda Godavari Right Bank between 16 KM to 23 KM by holding the action of respondents in issuing temporary permits to 3rd parties in the patta lands of the petitioners society as illegal and without jurisdiction.

Counsel for the Petitioner : Sri C.V. Mohan Reddy.

Counsel for the Respondent Nos.1 & 2 : GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.3 : Mrs. N.Shoba, Advocate

Counsel for Respondent No.4 : Mr. G.Vasantha Rayudu, Adv.

The Court made the following :

O R D E R :

The Field Labour Cooperative Society, Vegeswarapuram, East Godavari District, seeks a writ of mandamus directing the respondents 1 and 2 to issue temporary permits to the petitioner society for quarrying sand in R.S.No.357 admeasuring Acs.36-10 and R.S.No.302 admeasuring Acs.15-91 situated in Reach No.IV of Akhanda Godavari Right Bank between 16 KM to 23 KM. It is their case that they have a preferential claim in the matter of grant of lease for quarrying sand and that the respondents are granting temporary permits to third parties ignoring the claim of the petitioner society. It is also their case that the petitioner society has obtained patta land on lease and in a portion of the land, due to various reasons there was accumulation of sand and that they are not being given permits to lift the sand.

Insofar as the grant of temporary permits is concerned, the legal regime contemplated under Rule 9-L of Andhra Pradesh Minor Mineral Concession Rules, 1966 ('the Rules' for brevity) applies and the respondents may have to take necessary action under the provisions of Rule 9-L of the Rules. Insofar as removal of the sand accumulated on patta land is concerned, the respondents may have to follow the law laid down by this Court in **Bheemagari Bhaskar v Revenue Divisional Officer, Bhongir, Nalgonda**.

The writ petition is accordingly disposed of giving liberty to the petitioner society to approach the competent Assistant Director of Mines and Geology for removal of the sand, if the cause of action still survives. No costs.

(V.V.S.RAO, J.)

Dt.17-08-2004.

Msr.

Sd/-P.EKAMBARAM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. District Panchayat Officer, West Godavari District, Eluru.

2. District Collector, West Godavari District, Eluru.

3. 2CCs to Government Pleader for Panchayat Raj and

Rural Development, High Court of A.P., Hyderabad.

4. 2CD copies

GPK

HIGH COURT

DT.17-8-2004

Judgment

WP: 7908/ 2000

Disposing of with

Direction. No costs.

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.7908 of 2000

Dt.17-08-2004.

(Msr)